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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,954

07/22/2002

Stephen Arkinstall

ARKINSTALL=1

4903

1444 7590 01/18/2007  
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EXAMINER

COLEMAN, BRENDA LIBBY

ART UNIT

PAPER NUMBER

1624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/070,954

Applicant(s)

ARKINSTALL ET AL.

Examiner

Brenda L. Coleman

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12,20-22,27-31,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,20-22,27-31,35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-12, 20-22, 27-31, 35 and 36 are pending in the application.

This action is in response to applicant's amendment filed October 23, 2006.

Claims 1-3, 5, 9, 10, 27-29, 31 and 35 have been amended and claims 13-19, 23-26, 32-34 and 37-41 have been canceled.

### ***Response to Amendment***

Applicant's arguments filed October 23, 2006 have been fully considered with the following effect:

1. With regards to the 35 U.S.C. § 112, first paragraph rejection of claims 2, 3, 13-20, 23-26, 29-34 and 37-41 labeled paragraph 1 maintained in the last office action, the applicants' arguments have been fully considered, however they were not found persuasive. The applicants' stated that Claims 2 and 3 have been amended to correct self-evident typographical errors. However, 35 U.S.C. § 112, first paragraph rejection is such that the scope with these claims where the disorder is associated with the abnormal expression or activity of JNK, which is still present in the claim.

Claims 2, 3, 29, 30 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for reasons of record and stated above.

2. With regards to the 35 USC § 112, second paragraph rejections of claims 2, 3, 13-20, 23-26, 29-34 and 37-41, labeled paragraph 2aa), the applicant's amendments and arguments have been fully considered, however they were not found persuasive.

aa) The applicants' stated that Claims 2 and 3 have been amended to correct self-evident typographical errors, however this is not so.

Claims 2, 3, 29, 30 and 31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for reasons of record and stated above.

3. The applicant's amendments and arguments are sufficient to overcome the provisional obviousness-type double patenting rejection of claims 1-3, 5, 6, 13-35 and 37-41, labeled paragraph 3 maintained in the last office action, which is hereby **withdrawn**.

4. With regards to the provisional obviousness-type double patenting rejection of claims 1-3 and 5-41 labeled paragraph 4 over copending Application No. 10/381,200 of the last office action, the applicants requested that this rejection be held in abeyance at this time.

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/381,200, for reasons of record and stated above.

5. With regards to the provisional obviousness-type double patenting rejection of claims 1-3 and 5-41 labeled paragraph 5 over copending Application No. 10/381,665 of the last office action, the applicants requested that this rejection be held in abeyance at this time.

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/381,665, for reasons of record and stated above.

6. The applicant's amendments and arguments are sufficient to overcome the 35 USC § 112, second paragraph rejections of claims 10, 27, 28 and 36, labeled paragraph 7p) and s) maintained in the last office action, which are hereby **withdrawn**.

7. With regards to the objection to the specification labeled paragraph 9 maintained in the last office action the applicants were informed of the presence of an embedded hyperlink and/or other form of browser-executable code in the disclosure. The Applicant's stated that it has not been deleted from the specification because it is not an embedded hyperlink because it is not between the symbols "<>" and does not include http://. However, www.cerep.fr is an embedded hyperlink as shown by this office action. Simply typing www.cerep.fr automatic makes it a hyperlink. See page 36, line 10.

Appropriate correction is required.

8. The applicant's amendments and arguments are sufficient to overcome the 35 USC § 112, second paragraph rejections of claims 1-3, 5-10, 20-22, 27-31 and 35-41, labeled paragraph 12a), c) and f) maintained in the last office action, which are hereby **withdrawn**.

9. The applicant's amendments and arguments are sufficient to overcome the objection to the specification labeled paragraph 14 in the last office action, which is hereby **withdrawn**, in view of the insertion of substitute specification pages 8, 9, 10, 12, 37, 38, 39, 40, 41, 42, 43 and 44 in the specification, which have been inserted and sent for scanning.

10. The applicant's amendments and arguments are sufficient to overcome the 35 USC § 112, first paragraph rejection of claims 3, 9 and 31, labeled paragraph 15 in the last office action, which is hereby **withdrawn**.

11. The applicant's amendments and arguments are sufficient to overcome the 35 USC § 112, second paragraph rejections of claims 2, 3, 5-7, 10, 13-15 and 30-36, labeled paragraph 16a), b), c), d), e), f) and g) in the last office action, which are hereby **withdrawn**. However, with regards to the 35 USC § 112, second paragraph rejections of claim 36, labeled paragraph 16h), the applicant's amendments and arguments have been fully considered, however they were not found persuasive.

h) The applicants' stated that since claim 10, from which claim 36 depends, has been amended to depend from claim 9, it is believed that there is sufficient

antecedent basis for this recitation of  $L^1$ . However,  $L^1$  in claim 36 is broader in scope than  $L^1$  in claim 10 from which it depends.

Claim 36 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for reasons of record and stated above.

12. With regards to the 35 USC § 102, anticipation rejection of claims 1-3, 13-20, 23-27, 29, 31-33 and 37-41, labeled paragraph 17 in the last office action, the applicants' amendments and arguments have been fully considered, however they were not found persuasive. The applicants' stated that the claims have been amended to exclude compounds wherein neither  $Ar^2$  is 1,3-phenylene or 1,4-phenylene. However, there is no proviso for the definition of  $Ar^2$  but rather to  $A^2$  of which there is no variable.

Claims 1-3, 20, 27, 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by JACOBS et al., U.S. Patent No. 6,399,603, for reasons of record and stated above.

13. With regards to the 35 USC § 102, anticipation rejection of claims 1-3 and 20, labeled paragraph 18 in the last office action, the applicants' amendments and arguments have been fully considered, however they were not found persuasive. The applicants' stated that the claims have been amended to exclude compounds wherein  $Ar^2$  is not 1,4-phenylene. However, there is no proviso for the definition of  $Ar^2$  but rather to  $A^2$  of which there is no variable.

Claims 1-3 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by PINTO et al., U.S. Patent No. 6,020,357, for reasons of record and stated above.

14. With regards to the 35 USC § 102, anticipation rejection of claims 1-3, 5, 6, 13-18, 20, 24, 25, 32, 37, 39 and 40, labeled paragraph 19 in the last office action, the applicants' amendments and arguments have been fully considered, however they were not found persuasive. The applicants' stated that the claims have been amended to exclude compounds wherein Ar<sup>2</sup> is 1,3-phenylene. However, there is no proviso for the definition of Ar<sup>2</sup> but rather to A<sup>2</sup> of which there is no variable.

Claims 1-3, 5, 6 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by CHANDRAKUMAR et al., U.S. Patent No. 5,843,906, for reasons of record and stated above.

15. With regards to the 35 USC § 102, anticipation rejection of claims 1, 3, 5, 6, 8, 9, 27 and 28, labeled paragraph 20 in the last office action, the applicants' amendments and arguments have been fully considered, however they were not found persuasive. The applicants' stated that the claims have been amended to exclude compounds in which Ar<sup>2</sup> is 1,4-phenylene. However, there is no proviso for the definition of Ar<sup>2</sup> but rather to A<sup>2</sup> of which there is no variable.

Claims 1, 3, 5, 6, 8, 9, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by GRIGORYAN et al., *Armianskii Khimicheskii Zhurnal*, for reasons of record and stated above.



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16. With regards to the 35 USC § 102, anticipation rejection of claims 1-3, 20 and 27-31, labeled paragraph 21 in the last office action, the applicants' amendments and arguments have been fully considered, however they were not found persuasive. The applicants' stated that the claims have been amended to exclude compounds in which Ar<sup>2</sup> is 1,4-phenylene. However, there is no proviso for the definition of Ar<sup>2</sup> but rather to A<sup>2</sup> of which there is no variable.

Claims 1-3, 20 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by KALDRIKYAN et al., Khimiko-Farmatsevtricheskii Zhurnal, for reasons of record and stated above.

In view of the amendment dated October 23, 2006, the following new grounds of rejection apply:

***Election/Restrictions***

17. Claim 4 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 20, 2004.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

18. Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

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claim the subject matter which applicant regards as the invention. The following reasons apply:

- a) Claim 1 and claims dependent thereon are vague and indefinite in that it is not known what is meant by the proviso of  $A^2$ , where there is no variable  $A^2$  in formula I.
- b) Claim 1 and claims dependent thereon are vague and indefinite in that it is not known what is meant by "unit" in the fourth line of page 4 in the amendment filed October 23, 2006.
- c) Claim 2 and claims dependent thereon are vague and indefinite in that it is not known what is meant by the proviso of  $A^1$  and  $A^2$ , where there is no variables  $A^1$  and  $A^2$  in formula I.
- d) Claim 2 recites the limitation "3,4-dichlorophenyl amino" in the list of substituents on the quinazoline in the definition of  $A^2$ .
- e) Claim 9 is vague and indefinite in that it is not known what is meant by hydrogen substituted or unsubstituted  $C_1$ - $C_6$  alkyl in the definition of  $(R^6)_n$ .
- f) Claim 9 is vague and indefinite in that it is not known what is meant by the definition of  $L^1$  and  $L^2$  where  $L^1$  and  $L^2$  includes the moiety  $-NR^3C(O)R^3$ . It is believed that the applicants intended  $R^3$  rather than  $R^3$ .
- g) Claim 9 is vague and indefinite in that it is not known what is meant by the definition of  $R^3$ . It is believed that the applicants intended  $R^3$  rather than  $R^3$ .
- h) Claim 11 recites the limitation "piperazin-1-yl " in the nomenclature of the 3<sup>rd</sup> species on page 10 of the amendment filed October 23, 2006.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda L. Coleman whose telephone number is 571-272-0665. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Brenda Coleman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brenda L. Coleman  
Primary Examiner Art Unit 1624  
January 11, 2007